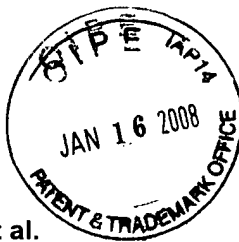


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AP/ITW
Docket No.: 331.1048
Date: January 14, 2008

In re application of: **Joachim WOLF, et al.**
Serial No.: 10/627,080
Filed: July 25, 2003
For: **AXLE BOOT**

Sir:

Transmitted herewith is an **Appellant's Reply Brief Under 37 C.F.R. §41.41 (4 pgs)** in the above-identified application.

- ☒ Also transmitted herewith are:
☐ Petition for extension under 37 C.F.R. 1.136
☒ Other: **Return Receipt Postcard**
- ☐ Check(s) in the amount of \$ **.00** is/are attached to cover:
☐ Filing fee for additional claims under 37 C.F.R. 1.16
☐ Petition fee for extension under 37 C.F.R. 1.136
☐ Other:
☐ Other:
- ☒ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
☒ Any patent application processing fees under 37 C.F.R. 1.17.
☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.


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I hereby certify that the documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Mail Stop: APPEAL BRIEF - PATENTS Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on January 14, 2008.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: 

Sunil Raval



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Re: Application of: Joachim WOLF, et al.
Application No.: 10/627,080
Filed: July 25, 2003
Art Unit: 3673
Examiner: Alison K. Pickard
Attorney Docket No.: 331.1048
Title: **AXLE BOOT**

Mail Stop: APPEAL BRIEF – PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 14, 2008

APPELLANTS' REPLY BRIEF UNDER 37 C.F.R. §41.41

Sir:

Appellants submit this Reply Brief for consideration of the Board of Patent Appeals and Interferences (the "Board") in response to the Examiner's Answer dated November 14, 2007 and in support of their appeal of the non-final Office Action that was issued in response to an Appeal of the finality of the action dated May 22 2007. Appellants respectfully reassert each of the arguments asserted in Appellants' Brief dated July 23, 2007 and provides herein only a rebuttal of a few of the arguments raised in the Examiner's Answer.

No fee is believed required. If any fee is required at this time, the Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

ARGUMENTS

The following additional remarks are submitted for consideration by the Board under 37 CFR §41.41.

A. Rejections under 35 U.S.C. § 103(a)

Rejections under 35 U.S.C. § 103(a)- Baker, U.S. Patent No. 4,936,811, in view of Devers, U.S. Patent No. 6,672,596.

The Examiner's Answer asserts that Baker does not teach away from the use of an elastically deformable single piece component. See Examiner's Answer, page 5, lines 10-11.

As admitted by the Final Office Action, Baker does not show "wherein at least one of the ring sections is elastically deformable sufficient to enable the single piece component to expand to a circumference larger than the outer circumference of the connecting collar" as recited in claim 1 of the present invention. See Final Office Action, page 2.

Baker describes that "the segments [sections 30] are *individually* free to move into the axially concave outer depression of the joint, the clamping force is effectively transmitted to the boot itself." Column 2, lines 64 to 68 (emphasis added). Baker seeks to permit the sections 30 to be individually free to move with respect to one another. This is also clear from claim 1 of Baker which recites "a plurality of *individual and separate* band sections."

The Examiner's Answer also asserts that "Devers teaches that the unit has enough pliability to fit over whatever element it will surround."

However, Devers seeks to have the annular body 41 fit within boot seal 38 as shown in Fig. 4. There also is no teaching in Devers to make the segmented bands 22 of Baker "elastically deformable sufficient to enable the single piece component to expand to a circumference larger than the outer circumference of the connecting collar" as claimed in claim 1.

Withdrawal of the rejections to claim 1 and its dependent claims under 35 U.S.C. §103(a) is respectfully requested.

Baker, U.S. Patent No. 4,936,811, in view of Devers, U.S. Patent No. 6,672,596- Rejection of Claim 9 Argued Separately

Regarding Devers, the Examiner's Answer asserts "portion 44 has a greater rigidity than portion 41." See Examiner's Answer, page 7, lines 1-2.

Applicants respectfully submit that Devers states that the inserts (44) use a rigid material that is much stiffer than the annular body (41), however, Devers does not teach or disclose that the inserts 44 which are asserted as the compensating pieces of Devers themselves "includes more than one material component, each of the material components having a different hardness" as recited in claim 9 of the present invention.

Withdrawal of the rejections to claim 9 is respectfully requested.

Rejections under 35 U.S.C. § 103(a)- JP '464- claim 13

The Examiner's Answer asserts that "JP'464 discloses that the compensating pieces (e.g.14) can be joined to the body 11." See Examiner's Answer, page 7, lines 14-15.

In relation to Figure 5, JP '464 describes that the bulged parts 14 "are joined to or formed as one body with the inner periphery at the parts that correspond to planar parts 8 of outer member 1." See translation of JP '464 at page 4, lines 2 to 3 as provided by Examiner with the Examiner's Answer. However, Applicants respectfully submit that given the form and shape of bulged parts 28 and 14, it remains unclear how rivets, as claimed in claim 13, would be used to join such elements.


Withdrawal of the rejections to claim 13 and its dependent claim 15 under 35 U.S.C. §103(a) is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is in condition for allowance. Favorable consideration of this Reply Brief is respectfully requested.

Respectfully submitted,

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